

Form PTO-1449

Docket Number 532572000104

Application Number 09/756,551

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

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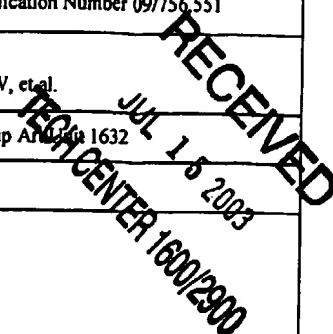
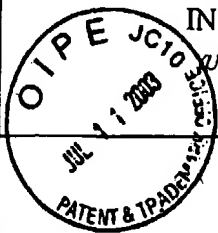
Applicant

Casey D. MORROW, et al.

Filing Date January 8, 2001

Group A Number 1632

Mailing Date July 7, 2003



## U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------|--------------|------|-------|----------|----------------------------|
|                   |          |      |              |      |       |          |                            |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date    | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|---------|--------------|---------|-------|----------|--------------------|
| gw                | 1.       | 06/1990 | EP 0602687   | EP      |       |          |                    |
| gw                | 2.       | 06/1992 | WO 92/10578  | WIPO    |       |          |                    |

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title  |
|-------------------|----------|--|
| gw                | 3.       | Ansardi, D.C. et al., "Coinfection with Recombinant Vaccinia Viruses Expressing Poliovirus P1 and P3 Proteins Results in Polyprotein Processing and Formation of Empty Capsid Structures" J. Virol. 65(4):2088-2092 (1991)     |
|                   | 4.       | Ansardi, D.C. et al., "Complementation of a Poliovirus Defective Genome by a Recombinant Vaccinia Virus which Provides Poliovirus P1 Capsid Precursor In Trans" J. Virol. 67(6):3684-3690 (1993)                               |
|                   | 5.       | Ansardi, D.C. et al., "Molecular Analysis of Poliovirus Assembly Using Recombinant Vaccinia Viruses to Complement a Poliovirus Genome with a Capsid Gene Deletion" J. Cell Biochem. Suppl. 17 D:22, M301 (1993)                |
|                   | 6.       | Ansardi, D.C. et al., "Myristylation of Poliovirus Capsid Precursor P1 is Required for Assembly of Subviral Particles" J. Virol. 66(7):4556-4563 (1992)  |
|                   | 7.       | Bass, J.W. et al., "Oral Polio Vaccine: Effect of Booster Vaccination One to Fourteen Years after Primary Series" JAMA 239(21):2252-2255 (1979)  |
|                   | 8.       | Bohm, W. et al., "DNA Vector Constructs that Prime Hepatitis B Surface Antigen-Specific Cytotoxic T Lymphocyte and Antibody Responses in Mice after Intramuscular Injection" Journal of Immunological Methods 193:29-40 (1996) |
|                   | 9.       | Brooks, G.F., et al. (eds.), "General Properties of Viruses" Chapter 32 In <u>Medical Microbiology</u> 21 <sup>st</sup> Ed., Appleton & Lange, Stamford, CT pp.366-388 (1991)  |
|                   | 10.      | Chatfield et al., "Construction of a Genetically Defined Salmonella Typhi Ty2 aroA, aroC Mutant  |

EXAMINER:

Joe W. Datar

DATE CONSIDERED:

6/8/04

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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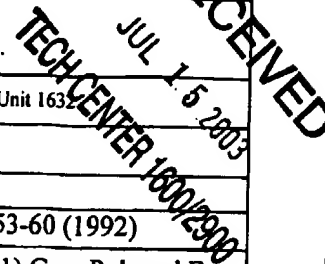
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for the Engineering of a Candidate Oral Typhoid-Tetanus Vaccine" Vaccine 10:53-60 (1992)

11. Choi, W.S. et al., "Expression of Human Immunodeficiency Virus Type 1 (HIV-1) Gag, Pol, and Env Poliovirus Minireplicons" J. Virol. 65(6):2875-2883 (1991)

12. Conry, R.M. et al., "Abstract from the Nov. 1-4, 1995 10<sup>th</sup> Annual Scientific Meeting of the Society for Biological Therapy, Williamsburg, VA" J. Immunol. (1995)

13. Evans, D.J. et al., "An Engineered Poliovirus Chimaera Elicits Broadly Reactive HIV-1 Neutralizing Antibodies" Nature 339:385-388 (1989)

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20. Koch, F. and Koch, G., "Classification" Chapter 2 In The Molecular Biology of the Poliovirus (Springer-Verlag, Vienna) pp.15-24 (1985)

21. Ledley, F., "Clinical Considerations in the Design of Protocols for Somatic Gene Therapy" Human Gene Therapy 2:77-83 (1991)

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27. Porter, D.C. et al., "Expression of Poliovirus P3 Proteins Using a Recombinant Vaccinia Virus

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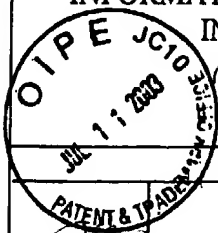
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Results in Proteolytically Active 3CD Precursor Protein without Further Processing to 3C<sup>pro</sup> and 3D<sup>pol</sup>, Virus Research 29:241-254 (1993)

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Joe W. L. L.

DATE CONSIDERED:

6/4/04

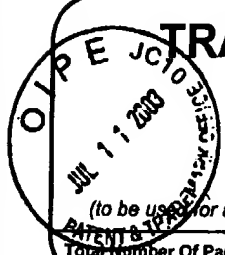
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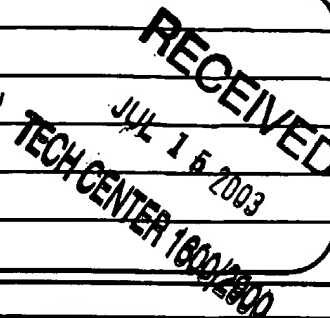
# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

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|                      |                   |
|----------------------|-------------------|
| Application Number   | 09/756,551        |
| Filing Date          | January 8, 2001   |
| First Named Inventor | Casey D. MORROW   |
| Group Art Unit       | 1632              |
| Examiner Name        | Joseph T. Wolfach |
| Attorney Docket No.  | 532572000104      |



## ENCLOSURES (check all that apply)

- |  |   |  |
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| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                                    |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application                             | Remarks   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53                           |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual Name | Kate H. Murashige, Registration No. 29,959<br>Morrison & Foerster LLP<br>3811 Valley Centre Drive, Suite 500; San Diego, CA 92130-2332 |
| Signature               | <i>Kate H. Murashige</i>   |
| Date                    | July 7, 2003   |

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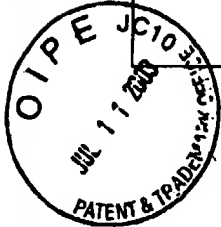
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PATENT  
Docket No. 532572000104

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Casey D. MORROW, et al.

Serial No.: 09/756,551

Filing Date: January 8, 2001

For: ENCAPSIDATED RECOMBINANT  
POLIOVIRUS NUCLEIC ACID AND  
METHODS OF MAKING AND USING  
SAME

Examiner: Joseph T. Voitach

Group Art Unit: 1632

SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents, numbers 1-2, 7, 9-10, 12, 15, 20, 25, and 29-30, are also submitted herewith. Copies of all other documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related applications, Serial Number 09/376,184, filed August 17, 1999, Serial Number 08/987,867, filed December 9, 1997, and Serial Number 08/389,459, filed February 15, 1995, and, accordingly, copies are not included herewith. This protocol conforms

with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 532572000104. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 7, 2003

Respectfully submitted,

By: Kate H. Murashige  
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